

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jose Carlos Salazar,)	C/A No. 0:17-2467-RBH-PJG
)	
Petitioner,)	
)	
v.)	ORDER
)	
United States of America,)	
)	
Respondent.)	
_____)	

This is an action seeking habeas corpus relief under 28 U.S.C. § 2241, filed by a self-represented federal prisoner. Therefore, in the event that a limitations issue arises, Petitioner shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to District Court). Under Local Civil Rule 73.02(B)(2)(c) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge. This matter was transferred from the United States District Court for the Northern District of Texas. (ECF No. 10.)

TO RESPONDENT:

Respondent shall file an answer or other response to the Petition as soon as reasonably possible but no later than **fifty (50) days from the date of this order**. Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, applicable to § 2241 habeas petitions through Rule 1(b), requires that "the judge must order the respondent to file an answer, motion, or other response within a fixed time, or to take other action the judge may order" for petitions that are not dismissed upon initial review. *See Wyant v. Edwards*, 952 F. Supp. 348 (S.D.W. Va. 1997) (court has discretionary authority to fix time for response to habeas corpus petition).

TO PETITIONER:

Pursuant to Rule 5 of the Federal Rules of Civil Procedure, any documents filed subsequent to the initial pleading must be served on parties. Unless otherwise ordered, service of subsequently filed documents on a respondent represented by an attorney is made on the attorney. Service on attorneys who have made an appearance in this court is effected by the court's Electronic Case Filing system through a computer generated notice of electronic filing. However, prior to the respondent's attorney making an appearance in this court, Petitioner must serve the respondent with any documents Petitioner files subsequent to the initial pleading and file a certificate of service that states who was served, what document was served, and how the document was served.

Petitioner must place the Civil Action Number (C/A No. 0:17-2467-RBH-PJG) listed above on any document filed in this case. **Any future filings in this case must be sent to the address below: (901 Richland Street, Columbia, South Carolina 29201).** All documents requiring Petitioner's signature shall be signed with Petitioner's full legal name written in Petitioner's own handwriting. *Pro se* litigants shall *not* use the "s/typed name" format used in the Electronic Case Filing System. In all future filings with this court, Petitioner is directed to use letter-sized (8½ inches x 11 inches) paper only, to write or type text on one side of a sheet of paper only and not to write or type on both sides of any sheet of paper. Petitioner is further instructed not to write to the edge of the paper, but to maintain one inch margins on the top, bottom, and sides of each paper submitted.

Petitioner is a *pro se* litigant. Petitioner's attention is directed to the following important notice:

You are ordered to always keep the Clerk of Court advised **in writing (901 Richland Street, Columbia, South Carolina 29201)** if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this order, you fail to meet a deadline set by this court, **your case may be dismissed for violating this order.** Therefore, if you have a change of address before this case is ended, you must comply with this order by immediately advising the Clerk of Court in writing of such change of address and providing the court with the docket number of all pending cases you have filed with this court. Your failure to do so will not be excused by the court.

IT IS SO ORDERED.



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE

September 26, 2017
Columbia, South Carolina